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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/646,373	08/22/2003	Anish Pulikottil Joseph	1509-440	8572

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EXAMINER

DEANE JR, WILLIAM J

ART UNIT	PAPER NUMBER
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2614

DATE MAILED: 10/18/2006

Please find below and/or attached an Office communication concerning this application or proceeding.



## **DETAILED ACTION**

### ***Allowable Subject Matter***

Claims 1 –10, 14 – 15, 19 allowed.

### **35 U.S.C. 101 reads as follows:**

Whoever invents or discovers any new and useful process, machine, manufacture, or composition of matter, or any new and useful improvement thereof, may obtain a patent therefor, subject to the conditions and requirements of this title.

Claims 13, 18 and 22 are rejected under 35 U.S.C. 101 because the claimed invention is directed to non-statutory subject matter.

With respect to claims 13, 18 and 22, applicant has not properly claimed the claimed subject matter. For guidance in claiming a computer program see pages 23+ and pages 52 - 55 of the Interim Guidelines for Examination of Patent Applications for Patent Subject Matter Eligibility provided by the Patent and Trademark Office.

### ***Claim Rejections - 35 USC § 112***

The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

Claims 11 – 12, 16 – 17 and 20 - 21 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

With regard to claims 11 – 12, 16 – 17 and 20 – 21, because of the way the claims are written, it is unclear as to applicant's intent.

For example, in claim 11 is applicant claiming a system or a method? If claiming a system, it is not seen how a system claim can depend from a method claim. In


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addition, if claiming a system, is applicant using a means for limitation? If so, what are the means for? Can Applicant point in the specification where such apparatuses or devices are used to accomplish the means for each limitation? The same arguments could also be leveled against claims 12, 16 – 17 and 20 – 21.

Additionally, claim 11 as written could give rise to 101 problems depending on how applicant amends the claim. The same is true for claims 16 and 20.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Bill Deane whose telephone number is (571) 272-7484. In addition, facsimile transmissions should be directed to Bill Deane at facsimile number (571) 273-8300.

13Oct2006

  
WILLIAM J. DEANE, JR.  
PRIMARY EXAMINER